

PROOF

STATE OF IOWA

Senate Journal

THURSDAY, FEBRUARY 12, 2004

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JOURNAL OF THE SENATE

THIRTY-SECOND CALENDAR DAY
TWENTIETH SESSION DAY

Senate Chamber
Des Moines, Iowa, Thursday, February 12, 2004

The Senate met in regular session at 8:35 a.m., President Lamberti presiding.

Prayer was offered by Mayor Don Thilgen of De Witt, Iowa. He was the guest of Senators Sievers and Stewart.

The Journal of Wednesday, February 11, 2004, was approved.

CONSIDERATION OF RESOLUTIONS (Regular Calendar)

Senator Iverson asked and received unanimous consent to take up for consideration Senate Resolutions 111 and 112.

[Senate Resolution 111](#)

On motion of Senator Boettger, [Senate Resolution 111](#), a resolution recognizing nursing students and faculty, with report of committee recommending passage, was taken up for consideration.

Senator Boettger moved the adoption of [Senate Resolution 111](#), which motion prevailed by a voice vote.

[Senate Resolution 112](#)

On motion of Senator Rehberg, [Senate Resolution 112](#), a resolution declaring February 12, 2004, Marriage and Family Day, with report of committee recommending passage, was taken up for consideration.

Senator Rehberg moved the adoption of [Senate Resolution 112](#), which motion prevailed by a voice vote.

ADJOURNMENT

On motion of Senator Iverson, the Senate adjourned at 8:53 a.m. until 1:00 p.m., Monday, February 16, 2004.

APPENDIX

CERTIFICATE OF RECOGNITION

The Secretary of the Senate issued the following certificate of recognition:

Kyle Shipley, Nodaway—For achieving the rank of Eagle Scout, Boy Scout Troop 45. Senator Angelo (1/4/04).

PRESENTATION OF VISITORS

The Chair welcomed the following visitors who were present in the Senate gallery:

Thirty-eight students from Grandview Park Baptist Schools and twelve central Iowa home-schooled students, accompanied by Mike Hartwig.

GOVERNOR'S APPOINTEES PLACED ON EN BLOC CALENDAR

The following appointees, assigned to standing committees for investigation, were placed on the En Bloc Calendar with recommendations for confirmation:

NATURAL RESOURCES AND ENVIRONMENT

Douglas Beech – Iowa Comprehensive Petroleum Underground Storage Tank Fund Board

John Ryan – Renewable Fuels and Coproducts Advisory Committee

REPORTS OF COMMITTEE MEETINGS

GOVERNMENT OVERSIGHT

Convened: February 10, 2004, 3:00 p.m.

Members Present: Lundby, Chair; Brunkhorst, Vice Chair; Courtney, Ranking Member; Dvorsky, and Wieck.

Members Absent: None.

Committee Business: Discussion regarding upcoming changes in administrative services for the Iowa Medicaid program.

Adjourned: 4:40 p.m.

APPROPRIATIONS

Convened: February 11, 2004, 4:10 p.m.

Members Present: Angelo, Chair; Lamberti, Vice Chair; Dvorsky, Ranking Member; Behn, Black, Connolly, Dotzler, Fraise, Gaskill, Hatch, Horn, Houser, McKibben, McKinley, Miller, Schuerer, Seng, Seymour, Shull, Sievers, Tinsman, Veenstra, and Warnstadt.

Members Absent: Bolkcom and Zieman (both excused).

Committee Business: Passed [HCR 104](#) and approved [SSB 3062](#) (as amended).

Recessed: 4:15 p.m.

Reconvened: 4:25 p.m.

Adjourned: 4:45 p.m.

GOVERNMENT OVERSIGHT

Convened: February 11, 2004, 3:05 p.m.

Members Present: Brunkhorst, Vice Chair; Courtney, Ranking Member; Dvorsky and Wieck.

Members Absent: Lundby, Chair (excused).

Committee Business: Presentation by Ed Stanek, Director of the Iowa Lottery Board, regarding the semiannual report and the incentive program.

Adjourned: 4:05 p.m.

APPROPRIATIONS SUBCOMMITTEE ON HEALTH AND HUMAN SERVICES

Convened: February 11, 2004, 3:10 p.m.

Members Present: Tinsman, Chair; Johnson, Vice Chair; Hatch, Ranking Member; Bolkcom and Veenstra.

Members Absent: None.

Committee Business: Presentations regarding preadmission screening for long-term care and child and family services.

Adjourned: 4:00 p.m.

APPROPRIATIONS SUBCOMMITTEE ON JUSTICE SYSTEM

Convened: February 11, 2004, 3:00 p.m.

Members Present: Miller, Chair; Fraise, Ranking Member; Hosch and Kreiman.

Members Absent: Angelo, Vice Chair (excused).

Committee Business: Presentation by Board of Parole.

Adjourned: 3:45 p.m.

COMMERCE

Convened: February 12, 2004, 1:10 p.m.

Members Present: Behn, Chair; Wieck, Vice Chair; Warnstadt, Ranking Member; Beall, Bolkcom, Brunkhorst, Kettering, Lundby, McCoy, Putney, Redfern, and Schuerer.

Members Absent: Gronstal, Sievers, and Stewart (all excused).

Committee Business: Approved SSBs 3017 and 3021 (as amended).

Adjourned: 1:20 p.m.

NATURAL RESOURCES AND ENVIRONMENT

Convened: February 12, 2004, 2:30 p.m.

Members Present: Houser, Chair; Johnson, Vice Chair; Seng, Ranking Member; Black, Bolkcom, Brunkhorst, Holveck, Kettering, Kibbie, Lundby, Miller, and Redfern.

Members Absent: Dearden, Drake, and Zieman (all excused).

Committee Business: Passed [SF 2048](#) (as amended) and approved Governor's appointees.

Adjourned: 2:45 p.m.

APPROPRIATIONS SUBCOMMITTEE ON JUSTICE SYSTEM

Convened: February 12, 2004, 3:10 p.m.

Members Present: Miller, Chair; Fraise, Ranking Member; Hosch, and Kreiman.

Members Absent: Angelo, Vice Chair (excused).

Committee Business: Presentation by Department of Corrections.

Adjourned: 3:45 p.m.

INTRODUCTION OF RESOLUTIONS

[Senate Concurrent Resolution 104](#), by Bolkcom, a concurrent resolution providing for the establishment of a committee by the legislative council to conduct a study of predatory or subprime lending practices.

Read first time under Rule 28 and referred to committee on **Rules and Administration**.

[Senate Resolution 114](#), by Dvorsky and Bolkcom, a resolution honoring the nursing leaders at the University of Iowa Hospitals and Clinics upon their receipt of the Magnet Award for Nursing Excellence.

Read first time under Rule 28 and referred to committee on **Rules and Administration**.

INTRODUCTION OF BILLS

[Senate File 2111](#), by Beall, Warnstadt, Quirmbach, Seng, Dotzler, Hatch, Courtney, Holveck, McCoy, Kibbie, Gronstal, Connolly, Dvorsky, Stewart, Ragan, Kreiman, Horn, Putney, Shull, and Kettering, a bill for an act relating to the filing of a claim for military service tax exemptions by members of the reserved forces of the United States and Iowa national guard who are ordered to active duty and including effective and applicability date provisions.

Read first time under Rule 28 and referred to committee on **Ways and Means**.

[Senate File 2112](#), by committee on Appropriations, a bill for an act relating to and making transportation and other infrastructure-related appropriations to the state department of transportation, including allocation and use of moneys from the road use tax fund, the primary road fund, and the keep Iowa beautiful fund, and providing for the nonreversion of certain moneys.

Read first time under Rule 28 and **placed on Appropriations calendar**.

[Senate File 2113](#), by Dotzler, Beall, Hatch, Ragan, and Stewart, a bill for an act to delay the issuance of executions in forcible entry or detention actions for tenancies in manufactured and mobile home parks.

Read first time under Rule 28 and referred to committee on **Judiciary**.

[Senate File 2114](#), by Johnson, a bill for an act creating a water quality needs and infrastructure program and fund.

Read first time under Rule 28 and referred to committee on **Natural Resources and Environment**.

[Senate File 2115](#), by Tinsman, a bill for an act relating to local government authority to encourage development and rehabilitation of certain real property and including effective date and applicability date provisions.

Read first time under Rule 28 and referred to committee on **Local Government**.

[Senate File 2116](#), by Houser, a bill for an act relating to the appointment and duties of mental health patient advocates.

Read first time under Rule 28 and referred to committee on **Local Government**.

[Senate File 2117](#), by Tinsman, a bill for an act relating to residential landlord-tenant law, by making certain changes concerning family violence and domestic abuse.

Read first time under Rule 28 and referred to committee on **Judiciary**.

STUDY BILLS RECEIVED

[SSB 3075](#) **Appropriations**

Providing bonding authorization to the state board of regents for specific capital projects.

SSB 3076 Business and Labor Relations

Relating to occupational safety and health audits, including privilege and immunity protections, and providing a penalty.

SUBCOMMITTEE ASSIGNMENTS**Senate File 2086**

STATE GOVERNMENT: Johnson, Chair; Kibbie and Ward

Senate File 2099

APPROPRIATIONS: Angelo, Chair; Lamberti and Seng

Senate File 2103

STATE GOVERNMENT: Schuerer, Chair; Dearden and Ward

Senate File 2105

APPROPRIATIONS: Angelo, Chair; Dvorsky and Lamberti

Senate File 2107

WAYS AND MEANS: McKibben, Chair; Rehberg and Seng

Senate File 2108

NATURAL RESOURCES AND ENVIRONMENT: Brunkhorst, Chair; Dearden and Drake

SSB 3075

APPROPRIATIONS: Angelo, Chair; Dvorsky and Shull

SSB 3076

BUSINESS AND LABOR RELATIONS: Wieck, Chair; Horn and Johnson

FINAL COMMITTEE REPORTS OF BILL ACTION**APPROPRIATIONS**

Bill Title: *[SENATE FILE 2112 \(SSB 3062\)](#), a bill for an act relating to and making transportation and other infrastructure-related appropriations to the state department of transportation, including allocation and use of moneys from the road use tax fund, the primary road fund, and the keep Iowa beautiful fund, and providing for the nonreversion of certain moneys.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 23: Angelo, Lamberti, Dvorsky, Behn, Black, Connolly, Dotzler, Fraise, Gaskill, Hatch, Horn, Houser, McKibben, McKinley, Miller, Schuerer, Seng, Seymour, Shull, Sievers, Tinsman, Veenstra, and Warnstadt. Nays, none. Absent, 2: Bolcom and Zieman.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

*Pursuant to Senate Rule 40, the Legislative Services Agency reported nonsubstantive changes to the members of the Appropriations Committee on [Senate File 2112](#), and they were attached to the committee report.

ALSO:

Bill Title: [HOUSE CONCURRENT RESOLUTION 104](#), a concurrent resolution urging state employee unions and the Governor to renegotiate and establish a pay freeze for the fiscal year beginning July 1, 2004.

Recommendation: DO PASS.

Final Vote: Ayes, 14: Angelo, Lamberti, Behn, Gaskill, Houser, McKibben, McKinley, Miller, Schuerer, Seymour, Shull, Sievers, Tinsman, and Veenstra. Nays, 9: Dvorsky, Black, Connolly, Dotzler, Fraise, Hatch, Horn, Seng, and Warnstadt. Absent, 2: Bolcom and Zieman.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

AMENDMENT FILED

[S-5006](#) [S.F. 344](#) Ron Wieck